

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JOANNE SUE MELTON,)	
)	
Plaintiff,)	
vs.)	NO. CIV-13-613-HE
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	

ORDER


Plaintiff Joanne Sue Melton filed this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying her applications for disability insurance benefits and supplemental security income benefits. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Shon T. Erwin, who recommends that the Commissioner's decision be reversed and the matter remanded for further proceedings for two reasons. First, the administrative law judge (ALJ) improperly relied on the medical records of a patient much different than plaintiff in age, gender, and medical history. Second, the ALJ failed to fully analyze the opinions of plaintiff's treating physicians, as required by law and necessary for proper review. These errors, the magistrate judge found, required the reversal of the Commissioner's decision.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996); *see* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts Magistrate Judge Shon T. Erwin's Report and

Recommendation, **REVERSES** the final decision of the Commissioner and **REMANDS** the case for further proceedings consistent with the Report and Recommendation, a copy of which is attached to this order. This decision does not suggest or imply any view as to whether plaintiff is or is not disabled, or what result should be reached on remand.

IT IS SO ORDERED.

Dated this 4th day of September, 2014.



JOE HEATON
UNITED STATES DISTRICT JUDGE